



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Kelly Bomba

H.B. 298

132nd General Assembly
(As Introduced)

Reps. Merrin, Brinkman, Becker, Dean, Roegner, Riedel, Koehler, Goodman, Schaffer, Wiggam, Keller, Zeltwanger

BILL SUMMARY

- Reduces the amount of sick leave certain public employees are entitled to receive from approximately 15 work days per year to approximately 10 work days per year.
 - Prohibits public employers from providing sick leave in an amount greater than the sick leave required by statute.
 - Prohibits a public employer from agreeing to a provision in a collective bargaining agreement that provides sick leave in an amount greater than the sick leave required by statute.
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CONTENT AND OPERATION

Statutorily mandated sick leave for public employees

The bill reduces the amount of sick leave certain public employees are entitled to receive for each 80 hours of service from 4.6 hours under current law (approximately 3 workweeks total per year) to 3.1 hours (approximately 2 workweeks total per year). The following public employees are subject to that provision:

- Employees in the various offices of a county, municipal, or civil service township¹ service, excluding superintendents and management employees of county boards of developmental disabilities;
- Employees of any state college or university;
- Most employees of any board of education for whom sick leave is not provided under the law that provides sick leave to board of education employees.

The sick leave granted per 80 hours of service under the bill excludes overtime hours worked.² Under continuing law, most state employees are entitled to receive 3.1 hours of sick leave for each 80 hours of service, excluding overtime hours worked (approximately 2 workweeks per year).³

The bill also reduces the amount of sick leave most employees of a board of education are entitled to receive for each year under contract from 15 work days to 10 work days.⁴ Continuing law excludes a substitute, adult education instructor who is scheduled to work the full-time equivalent of less than 120 days per school year, or a person who is employed on an as-needed, seasonal, or intermittent basis from statutorily mandated sick leave.⁵

Prohibition on providing additional sick leave

The bill prohibits a public employer from doing either of the following:

- Providing sick leave in an amount greater than the sick leave required by statute;
- Agreeing to a provision in a collective bargaining agreement that is modified, renewed, extended, or entered into on or after the bill's effective

¹ A "civil service township" is a township with a population of 10,000 or more people residing within the township and outside any municipal corporation that has a police or fire department of ten or more full-time paid employees and a civil service commission established under state law (R.C. 124.01(G), not in the bill).

² R.C. 124.38(A).

³ R.C. 124.382(B).

⁴ R.C. 3319.141(A).

⁵ R.C. 124.38(A)(3) and 3319.141(A).

date that provides sick leave in an amount greater than the sick leave required by statute.⁶

Under current law, sick leave provided by statute is the minimum amount required to be granted, and a public employer may grant additional sick leave or agree to a collective bargaining agreement that provides for additional sick leave.⁷

Flexible sick leave

The bill eliminates provisions that allow a public employer to provide additional sick leave. It eliminates the ability of the Director of Administrative Services to grant state employees sick leave that differs from the amount of sick leave established under the Revised Code. Current law allows the Director to establish an experimental program under which the Director may grant employees in the service of the state vacation leave, sick leave, disability leave, personal leave, life insurance, or medical insurance benefits that differ from those benefits as provided in the Revised Code.⁸

The bill eliminates the ability of a board of county commissioners to do either of the following for employees who are not represented by a union:

- Supplement the sick leave of a county department of job and family services employee;
- Establish alternative schedules of sick leave for employees not inconsistent with the provisions of a collective bargaining agreement covering the affected employees.⁹

HISTORY

ACTION	DATE
Introduced	06-28-17

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⁶ R.C. 124.82(H), 124.382(B), and 3319.141(D).

⁷ *Ebert v. Stark County Board of Mental Retardation*, 63 Ohio St.2d 31 (1980).

⁸ R.C. 124.133.

⁹ R.C. 124.14(E) and 124.38.

